IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2734 OF 2004

In

WRIT PETITION NO.2126 OF 2004

Hemant Meghraj Rathod : Applicant

V/s.

The State of Maharashtra & Ors. : Respondents

...

Mr.S. Pangrahy i/b. M/s.Vinod Mistry & Co., for the applicant.

Mr.R.M.Patne, Asstt. Govt. Pleader, for resp. nos.1, 2 & 5.

...

CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

November 3, 2004.

P.C.:

1. Rule, returnable forthwith.

Mr.Patne, learned Asstt. Govt. Pleader, waives service for respondent nos.1, 2 & 5.

Heard by consent.

2. By this Civil Application, the applicant is seeking

recall of the order dated 5.10.2004 whereby the above Petition was dismissed in default. For the reasons stated in the Civil Application, sufficient cause is made out for recalling the order dated 5.10.2004. There is no case of inaction, negligence or want of bona fides on the part of the applicant.

3. Accordingly, the rule is made absolute in terms of prayer clauses (b) & (c). Place the Writ Petition for admission on 7.12.2004.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)